

## MEMORANDUM

To: John D. Smith  
Director  
Office of Administrative Law

From: Richard A. Becker, Ph.D.  
Director  
Office of Environmental Health Hazard Assessment

Date: April 1, 1997

Subject: Request for "Effective on Filing with the Secretary of State" Title 22,  
Division 2, California Code of Regulations: Section 12903

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New notices of violation served under Health and Safety Code Section 25249.7 are received by the Attorney General's Office continuously. Litigation concerning the validity of these notices is occurring on a regular basis. An important objective of the regulation is to resolve many of these issues without litigation, and thus the longer the time period before the regulation takes effect, the more issues will have to be resolved through the costly and time consuming litigation process. There should be little hardship to a citizen that belatedly learns of the new notice requirements, because the citizen can simply send a new notice that reflects the new requirements. Moreover, a thirty-day delay in effectiveness may encourage a citizen that wishes to avoid the new notice requirements to serve the notice prior to the conclusion of the thirty-day period. Therefore, the Office of Environmental Health Hazard Assessment requests that the subject regulations become effective on filing with the Secretary of State.